

without first applying to the orphans' court where the land lies, and obtaining leave from them for such rents as they shall think just and reasonable, to be paid to such orphan or orphans, on pain of being trespassers, and paying treble damages and full costs to such orphan or orphans, to be recovered by the guardian during the orphans' minority, or by the orphan when at full age.

[213] 45. Procedure against guardian in case of waste.

Whenever the orphans' court shall be in any manner informed of any waste being done by any guardian upon any orphans' estate, the said court shall issue their warrant to cause such guardian to appear before them; and if upon the said guardian's appearance before them, and being heard in his defense, or on his refusal to appear, being summoned, such information shall appear to be true, the said court shall order the sheriff, with all possible speed, to summon a jury upon the place where the waste shall be committed to inquire upon their oath into the same, and of what damage such waste shall be to such orphan, which being returned to the said court, they are hereby required to oblige the guardian to give security for double the damages that shall be assessed by such jury, and in case of refusal, to commit such guardian to prison, there to remain until he shall comply with their order therein.

Guardians and Infants
Not Residing In This State

[215] 46. Guardian may take and sue for ward's property and debts; bond of guardian.

Where any infant not residing in this State is entitled to any property or estate, real, personal or mixed, or to any debts or choses in action in this State, or due by or recoverable from any person or persons, corporation or corporations in this State, or from any estate upon which letters testamentary or of administration have been granted in this State, having no guardian appointed in this State, but having a guardian appointed in the state, district or territory in which the infant resides, duly qualified according to the laws thereof, and who shall there have given good and sufficient security for the faithful performance of his trust as such, or in words to that effect, then, and in such case the orphans' court of the county or city in this State in which such property, or any part thereof, of such infant may be situated, or where such debts or choses in action, or any part thereof may be due or recoverable, either wholly or in part, shall pass an order authorizing and empowering such nonresident guardian to take into his possession such property wherever situated in this State, and to sue for and recover such debts or choses in action from all persons or corporations in this State, and from all estates upon which letters testamentary or of administration shall have been granted, and to act in all respects as if such guardian had been duly appointed by some one of the orphans' courts in this State; provided, however, that before any such order shall be passed, such guardian shall first file a petition, setting forth the fact that such nonresident infant is or claims to be entitled to such property, debts or choses in action, as hereinbefore mentioned, and shall also give bond, with security to be approved by the said orphans' court, in the same manner as if such infant resided in this State, and shall file in the office of the register of wills an instrument designating some local agent on